IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 141 OF 2005

IN

SUM.SUIT NO. 218 OF 2005

Surat Beverages Ltd., .. Plaintiffs.

vs.

Sampre Nutrition Ltd., .. Defendants.

Ms. Mosam Modi i/by Anil Menon

for the plaintiffs.

None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 23rd January,2006.

P.C.

. The present suit is filed for the recovery of a sum of Rs. 2,32,304.40. The said claim arises out of the goods sold and delivered under three invoices and amount payable towards sales tax liability in view of statement in "C" form. The plaintiffs have tendered compilation of original documents. The same is taken on record and marked Exhibit A collectively. Defendants are served. Affidavit of service dated 28.3.2005. Pursuant to the notice Advocates M/s. M.P. Savla & Co. were

appearing. However, they have taken discharge. The defendants have not engaged any other advocate. The matter was adjourned from time to time on at least seven occasions. In spite of the same neither the defendants remain present nor they have filed any reply to the summons for judgment. The learned counsel for the plaintiffs states that pursuant to the order dated 9.1.2006 a notice was served on the defendants. The plaintiff has sent a copy of the letter through courier. The learned counsel for the plaintiffs further states that the defendant has received the letter and they contacted the advocate for the plaintiff in pursuant thereto yesterday. The said letter is taken on record. However, despite the letter none appears for the defendants. In that view of the matter, summons for judgment is made absolute. Suit is decreed in terms of prayer clause (a). However, interest from the date of the suit till payment and/or realisation will be at the rate of 12% per annum simple rate of interest. Refund as per rules.